REMARKS

Claim status

At the time of the Office Action, claims 2-4, 7, 11, 14, and 17, 18 and 20-23 were pending. As a result of the amendments to claims 17 and 18, no claims are cancelled.

Claims 17 and 18 are amended to limit the claims by requiring that the recited coating island spacings, which are dependent upon the degree of local stretching during radial expansion, have that feature prior to the radial expansion. This amendment is supported by the Figure and the text at paragraphs [0021] and [0022]. Also, the phrase "of the stent surface" in claims 17 and 18 has been moved to emphasize that it is the coating islands *on the stent surface* that are of interest.

Section 102 Rejections

Yan (US 5,843,172) ("Yan '172")

The applicants and the Examiner have already made several exchanges regarding the content of Yan '172, and applicants repeat their position by incorporating those prior arguments by reference. Applicants would make one further comment about the Examiner's reading of Yan '172. In referring to Figure 12 of Yan '172, the Examiner seems to be considering the core layer 106 of sheet 104 as being part of "the stent surface." This cannot be the case. The brief description of Figure 12 (see Col. 3, lines 49-51) and the drawing itself reveal Figure 12 to be a cross-sectional view, with core layer 106 being entirely covered by layers 110, 112, so core layer 106 (the Examiner refers to it as "base 108") cannot be a part of a "surface," as the Examiner implies by comparing it against top and bottom, 110, 112, respectively. In doing this, the Examiner is apparently ignoring the limitation of the coating islands being on the stent surface.

The present action focuses on Figure 12 and so the applicants will focus attention there also. The Examiner has stated, perhaps correctly, that the very act of radial expansion would cause the spacing of coating islands to increase in areas of greater stretching or expansion. However, what the present specification clearly teaches, and what is lacking in Yan '172, is an intentional change in the spacing of the coating islands *prior to the radial expansion of the stent.* In fact, Yan '172 teaches only what can be considered a stochastic placement of the coating islands and teaches no intention of spacing on top or bottom layers 110, 112. The only intention regarding particle sizing in the sintering processes taught by Yan '172 is the use of larger particles radially inwardly in the plane or wire from which the stent is formed, so that the stent

can hold a larger volume of medication internally, that is, away from the surface. See, for example, the paragraph in Yan '172 at Col. 2, lines 15-32. In fact, Yan '172 states at Col. 4, line 61: "Consistent pore size is also important to ensure that drugs are evenly distributed throughout the stent. Consistent distribution on the other hand ensures that the tissue in contact with the stent will receive a even distribution of a therapeutic agent."

Also important is the discussion presented by Yan '172 at Col. 8, line 66 through Col. 9, line 15. Yan '172 states that a benefit of the Yan '172 invention is that it does not require a coating for delivering a therapeutic agent, because the therapeutic agent is loaded into the pores of the sintered metal device.

Accordingly, the applicant respectfully requests reconsideration of the rejections based on the claim amendments made above. After such reconsideration, it is urged that allowance of all claims will be in order.

Respectfully submitted,

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